

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

Claims 1-57 are now pending in this application. Claims 29-57 are withdrawn from consideration. No claims have been added or cancelled and no new matter has been added.

I. Interview Summary

Applicants appreciate the courtesy extended by Examiner Tran in conducting a telephone interview with the undersigned representative on May 30, 2006. During the interview, the examiner agreed that the Mehrabian et al. patent US 3,951,651 (cited in the April 20 office action) and the Mehrabian et al. patent US 3,936,298 (cited in the prior office action) contain the same specification because US 3,936,298 is a divisional of US 3,951,651.¹

The examiner agreed to withdraw the rejection based on the 3,951,651 patent for the reasons provided in the Response filed on March 20, 2006.

II. Rejoinder requested

Claims 29-57 are withdrawn from consideration. Applicants respectfully request that claims 29-57 be rejoined with claim 1 upon allowance of claim 1.

III. The rejections should be withdrawn

Claims 1, 2, 4-14 and 15-17 have been rejected under §103(a) as being obvious over Mehrabian (U.S. Patent Number 3,951,651) in view of Shibata (U.S. Patent Number 6,478,075) and further in view of Apelain (U.S. Patent Number 4,902,475).

The examiner agreed during the interview of May 30, 2006 to withdraw this rejection because Mehrabian (U.S. Patent Number 3,951,651) teaches adding third phase particles to

¹ US Patent 3,936,298 is a divisional of US Application Ser. No. 379,990. US Application Ser. No. 379,990 issued as US Patent 3,951,651.

the semi-solid phase, but not to the liquid phase. In contrast, claim 1 recites combining separate solid and "only" liquid phases.

Claims 3 and 18-28 have been rejected under §103(a) as being obvious over Mehrabian (U.S. Patent Number 3,951,651) in view of Shibata (U.S. Patent Number 6,478,075) and further in view of Apelain (U.S. Patent Number 4,902,475) and further in view of Nakao.

The rejection of the dependent claims should be withdrawn for the same reason as the rejection of claim 1 and for the additional reasons provided in the response filed on October 18, 2005.

IV. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 6/28/06 By Leon Radomsky

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Leon Radomsky
Attorney for Applicant
Registration No. 43,445

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.